

## PROSKAUER ROSE LLP

A NEW YORK LIMITED LIABILITY PARTNERSHIP  
Marvin M. Goldstein, Managing Resident Partner

One Newark Center  
Newark, NJ 07102-5211  
Telephone 973.274.3200  
or 212.736.8185  
Fax 973.274.3299

NEW YORK  
LOS ANGELES  
WASHINGTON  
BOSTON  
BOCA RATON  
NEW ORLEANS  
PARIS

Joseph C. O'Keefe  
Senior Counsel

Direct Dial 973.274.3290  
jokeefe@proskauer.com

May 20, 2008

**By Fax (973) 645-4549**

The Honorable Peter G. Sheridan, U.S.D.J.  
United States District Court, D.N.J.  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: Badrinath v. MetLife Corporation, et al.  
Civil Action No. 04-2552 (PGS)(RJH)

5/20/08  
No Order  
Per M. M. M.

Dear Judge Sheridan:

Late on Friday, May 16, we received correspondence from the Court scheduling a settlement conference for tomorrow, May 21, at 12:00 p.m. This letter followed a letter Order dated April 22, which originally scheduled a settlement conference before Magistrate Salas for June 30. The most recent letter required to parties to confer about settlement possibilities in advance of the conference. We write to advise the Court that the parties have conferred and based upon our discussion it is clear that the parties will not be in a position to engage in a productive settlement dialogue tomorrow. While Plaintiff asserted several demands while he was a *pro se* litigant at the outset of this matter, he has not asserted a demand since he retained counsel. Defendants similarly have not made any offers and based on my conversation with Claimant's counsel it is clear that we will not be in a position to make an offer which could lead to resolution of this matter.

Your Honor will recall that during a telephone conference on March 17, and in the April 2, 2008 decision concerning Defendants motion for summary judgment, your Honor indicated that Defendant's motion to dismiss Plaintiff's *Pierce* claim would be denied without prejudice, and subject to renewal following the decision of the New Jersey Supreme Court in *Tartaglia v. UBS Painewebber, Inc.*, 2006 WL 2560687 (App. Div. Sept. 7, 2006), *cert. granted* 911 A.2d 849 (2007). Oral argument in the *Tartaglia* matter was held in October 2007. It appears, based on review of the oral argument dates on decisions recently issued by the New Jersey Supreme Court, that the *Tartaglia* decision should be issued within the next several weeks.

In light of the foregoing, the parties hereby make a joint request that the Court adjourn the conference scheduled for tomorrow, and that the June 30 settlement conference before

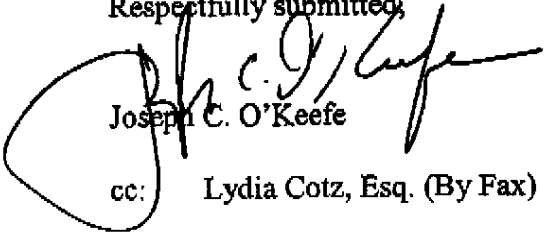
**PROSKAUER ROSE LLP**

Hon. Peter G. Sheridan, U.S.D.J.  
May 20, 2008  
Page 2

Magistrate Salas remain on the calendar.

We appreciate the Court's courtesies.

Respectfully submitted,



Joseph C. O'Keefe

cc: Lydia Cotz, Esq. (By Fax)